

**REMARKS**

This is in response to the Office Action of November 20, 2007.

The Examiner is respectfully thanked for the courteous telephone interview granted to Applicants' attorney on January 31, 2008.

In that Office Action claims 22 and 40 were objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claims. The Examiner rejected claims 32 and 33 under 35 U.S.C. 112 due to insufficient antecedent basis for the limitation in the claim. The Examiner rejected claims 22, 23, 40 and 41 under 35 U.S.C. 112 as having insufficient antecedent basis for the limitation in the claim. The Examiner rejected claims 14 and 28 under 35 U.S.C. 112 stating that they do not set out a further objective. The Examiner rejected claims 14, 15, 18, 24, 28, 29, 31 and 36 under 35 U.S.C. 102(b) as being anticipated by Morita et al. Claims 16, 17, 19, 21-23, 27, 30, 34, 35, 37, 39-41 were objected to as being dependent upon a rejected base claim.

The Specification has been amended to correct a typographical error in which Permirolast was mistakenly identified as Tranilast.

Claims 15, 16, 29, 30, 32 and 33 have been canceled without prejudice. Claim 14 has been amended to include the limitations of claims 15 and 16. Claim 28 has been amended to include the limitations of claims 29 and 30. Claims 18 and 19 have been amended to depend from claim 14. Claim 22 was amended to indicate that the delivery vehicle additionally comprises a second therapeutic agent. Claim 34 was amended to correct a typographical error. Claims 35-37 and 39 were amended to depend from claim 28. Claim 40 was amended to indicate that the composition additionally comprises a second therapeutic agent. Claim 41 was amended to depend from claim 40 and to correct a typographical error.



**The objection to claims 22 and 40 under 35 CFR 1.75(c) is respectfully traversed.**

Applicants have amended claims 22 and 40 to indicate that the respective vehicle and composition additionally comprise a second therapeutic agent. It is respectfully submitted that the amendments to these claims overcomes the Examiner's objection.

Accordingly, the Examiner is respectfully requested to withdraw this objection.

**The rejection of claims 32 and 33 under 35 U.S.C. 112 is respectfully traversed.**

Applicants have cancelled claims 32 and 33 without prejudice.

Accordingly, this rejection is now moot and the Examiner is respectfully requested to withdraw this rejection.

**The rejection of claims 22, 23, 40 and 41 under 35 U.S.C. 112 is respectfully traversed.**

Applicants have amended claims 22 and 40 to indicate that the respective vehicle and composition additionally comprise a second therapeutic agent. It is respectfully submitted that the amendments to these claims overcome the Examiner's rejection.

Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**The rejection of claims 14 and 28 under 35 U.S.C. 112 is respectfully traversed.**

It is respectfully submitted that Applicants' amendments to claims 22 and 40 overcome the Examiner's rejection.

Accordingly, the Examiner is respectfully requested to withdraw this rejection.



**The rejection of claims 14, 15, 18, 24, 28, 29, 31 and 36 under 35 U.S.C. 102(b) as being anticipated by Morita et al. is respectfully traversed.**

Claims 16, 17, 19, 21-23, 27, 30, 34, 35, 37, 39-41 are objected to as being dependent upon a rejected base claim. Applicants have placed the limitations of claims 15 and 16 into claim 14, and the limitations of claim 29 and 30 into claim 28. Claims 15, 16, 29 and 30 have been canceled without prejudice. It is respectfully submitted that Morita et al. do not disclose or suggest Applicants' claimed invention with these additional limitations. Morita et al. merely disclose ophthalmic, aqueous solutions of Pemirolast for topical application to treat allergic conjunctivitis, and do not disclose Applicants' novel vehicles and compositions.

Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Therefore, on the basis of the foregoing discussion, the Examiner is respectfully requested to make the amendments to the claims of record and to withdraw his rejections and objections, and allow the claims.

Respectfully submitted,  
JANEL E. YOUNG ET AL.

By: /E. Richard Skula, Reg. No. 31,061/  
E. Richard Skula  
Attorney for Applicants  
Reg. No. 31,061

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2718  
Dated: February 8, 2008  
Docket No. ETH5123USNP